

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Firearm Owners Against Crime,	:	No. _____
Kim Stolfer, and Joshua First,	:	
Plaintiffs	:	
v.	:	
City of Harrisburg,	:	
Mayor Eric Papenfuse, and	:	
Police Chief Thomas Carter,	:	
Defendants	:	Jury Trial Demanded

**Notice of Removal**

All Defendants hereby remove this case from the Dauphin County Court of Common Pleas, Pennsylvania, to this Court:

1. On January 20, 2015, Defendants were all served with a copy of the Complaint (exhibit A).
2. Removal is appropriate because Plaintiffs raise a federal question.
3. Specifically, Plaintiffs bring a claim under 42 U.S.C. § 1983, asserting violations of their rights under the U.S. Constitution.
4. Federal courts have jurisdiction over claims that arise under federal laws generally, 28 U.S.C. § 1331, and more specifically over claims asserting violations of the U.S. Constitution. *See* 28 U.S.C. § 1343.
5. Accordingly, this Court has removal jurisdiction because Plaintiffs raise a federal question generally, 28 U.S.C. § 1441(a), and civil rights questions more specifically. 28 U.S.C. § 1443.

6. Pursuant to 28 U.S.C. § 1446(d), Defendants will contemporaneously serve a copy of this Notice of Removal on Plaintiffs and file this Notice of Removal with the Dauphin County Court of Common Pleas.

7. All Defendants join in the removal of this action.

8. Venue is proper because the Defendants reside in this District and the events giving rise to this action took place within this District. 28 U.S.C.A. § 1391(b).

Respectfully submitted,

Lavery Faherty

/s/ Joshua M. Autry

Frank J. Lavery, Esquire

Pennsylvania Bar No. 42370

Joshua M. Autry, Esquire

Pennsylvania Bar No. 208459

225 Market Street, Suite 304

P.O. Box 1245, Harrisburg, PA 17108-1245

(717) 233-6633 (phone)

(717) 233-7003 (fax)

[flavery@laverylaw.com](mailto:flavery@laverylaw.com)

[jautry@laverylaw.com](mailto:jautry@laverylaw.com)

Attorneys for Defendants

**Certificate of Service**

I certify that on February 13, 2015, I served a true and correct copy of the foregoing Notice of Removal via the ECF System and also addressed as follows:

Joshua Prince, Esquire  
Prince Law Offices, P.C.  
646 Lenape Rd.  
Bechtelsville, PA 19505

/s/ Aimee L. Paukovits  
Aimee L. Paukovits  
Legal Secretary to Frank Lavery, Esquire

*This document has also been electronically filed and is available for viewing and downloading from the ECF system.*